



## Lamoine Board of Selectmen

606 Douglas Hwy  
Lamoine, ME 04605  
(207) 667-2242  
town@lamoine-me.gov

### Minutes of December 17, 2009

Chair Jo Cooper called the meeting to order at 7:03 PM

Present were: Selectmen Gary McFarland, Richard Fennelly Jr., Kermit Theall, Cynthia Donaldson, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Bill DeRoss (Pine Tree Waste), Maurice Oliver (Chief Engineer, LVFD), and Planning Board Chair Gordon Donaldson

**Agenda Review** – To accommodate those present, the board agreed to discuss single-stream recycling and then the new fire truck. Cynthia questioned whether the water extraction moratorium request needed discussion. It was felt that communications from the Conservation Commission were unclear, so some discussion would be appropriate.

**Minutes of December 3, 2009** – Richard, Jo, and Cynthia had very minor corrections to the minutes. Jo moved to approve with the corrections. Richard 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Expenditure Warrant 12** – Selectmen signed the expenditure warrant for \$237,145.38. Stu reported he moved \$155,000 from investments into checking to cover the costs. He said the school check accounted for \$175,000 of the warrant.

**Cash & Budget** – Cynthia asked if Stu was concerned about the expenses tracking higher than the percentage of the year that has passed. Stu said he was not – those appropriations that do track pretty evenly with the year continue to do so. He said paving, which was paid in July, overloads the percentage of year passed.

**Checking Account Reconciliation Review** – Selectmen signed the statement expressing satisfaction with the review of the November 2009 checking account reconciliation.

**Foreclosures** – Stu reported that no property foreclosures took place yesterday, noting that some waited until the very last minute to pay.

**Audit** – Cynthia moved to instruct Jo to sign the management representation letter. Kermit 2<sup>nd</sup>. **Vote in favor was 5-0.** There was a brief discussion about wording in the audit that said there were no significant difficulties in dealing with management.

**No Sort Recycling** – Bill DeRoss of Pine Tree Waste handed out flyers to the Selectmen about the subject. He said he wanted to meet with the Board in regard to the no-sort program. He said the program doesn't work for every community. He suggested that the numbers be crunched and the Board should make decisions based on the numbers.

Mr. DeRoss said the concept is fairly simple; the easier it is to recycle, the more participation there will be. He said no-sort also allows for more material to be recycled. He said instead of users being required to hand sort the recycling, all the recyclable

material can be mixed together. He said Pine Tree Waste takes the full container to Massachusetts where the recycling material is mechanically sorted. He said the town will see an increase in recycling and the cost of disposing of the recyclables will be less. He said there is a lot of information that goes into the computation of the expected increase in recycling. He said a transfer station generally has better recycling participation than a curbside pickup program.

Mr. DeRoss said Bangor currently requires materials to be separated, so the roll-off containers are not full when the town is ready for them to be hauled. He said if the containers were filled, the town could potentially have the same number of pulls, but with full loads. He said there is a good deal of cost avoidance by not sending the recycling to the PERC plant.

Richard said the benefit depends on the number of pulls. Jo said she finds it amazing that all the recycling could be put in the same container. Mr. DeRoss said the plan is to take the material to their facility in Hampden, and then ship loads for sorting to Massachusetts. He explained how the processing system works.

Kermit said it appears that all the recycling could be put into one container. Jo asked if the town would still get some revenue for the recycling. Mr. DeRoss said it could work a couple of ways – the town could pay a flat \$30/ton fee for processing or it could take some risk and share in the revenues. He said most communities have chosen the flat fee. A short discussion followed. Richard asked about the \$30/ton fee. Mr. DeRoss said Bangor Recycling is currently charging a \$60/ton fee. Stu said the town currently pays a per pull and rental fee to Pine Tree Waste, and Maine Resource Recovery Association deducts the processing fee from the revenue generated from sale of the recyclables.

Kermit ask about all the materials being shipped to Massachusetts. Mr. DeRoss said that was correct and explained that there is no automated sorting facility in Maine. A discussion followed on revenues and increases in recycling volumes. Richard asked if any local towns are using the system. Mr. DeRoss said they're just starting to market it, and he's met with the Town of Holden and the City of Brewer. He said there are big differences in the types of program, as both of those communities use curbside collection. Richard said he would favor waiting to see how other folks fare with the program. Kermit said there is a big carbon footprint from hauling material to Massachusetts. A short discussion followed about energy efficiency.

Jo asked whether the town could switch back once it said OK to no-sort recycling. Cynthia said it would be difficult to return to a sort system because of having to re-educate users. A short discussion followed.

Mr. DeRoss said his company believes no-sort is the future. He said their service is to the town and they will do what the town wants. Jo said she's interested mainly because more materials could be recycled, but it's difficult to see whether it would succeed until it's tried. Mr. DeRoss said he could provide the town with a list of other towns, mostly in Southern Maine, and their experience. Cynthia asked about potential income figures.

Mr. DeRoss said that would be tough because of the different variations. He said most towns utilize curbside collection with a pay per bag system. A short discussion followed.

Jo said she would like to see the experience in a similar sized and configured town. Mr. DeRoss said a lot more towns in Southern Maine are trying the option. He said they had intended to try this a couple of years ago, but ran into difficulties locating a local facility. He said the Pine Tree Landfill is closing down at the end of December and there is a transfer station there that would be utilized.

Jo asked how long the contract would run. She said the program seems inevitable. Kermit asked about a "guinea pig" rate. Mr. DeRoss said he was unsure about the length of a contract. Jo said the Board needs to think this over as well. Mr. DeRoss said he could guarantee the \$30/ton processing price for a year. Jo said the town needs to look to the future of waste disposal.

Stu asked if the trucking fee would be lower if Coastal Recycling in Hancock could handle the roll-off containers. Mr. DeRoss said his company didn't really care where the recycling goes. He said if that's an option, he would like to see their plan because there are implications for his company's drivers if they have to wait for long periods to offload. A discussion followed on what might be the lowest cost.

Mr. DeRoss said if the revenue currently being paid by MRRA is a major factor, the town could opt for the risk sharing option. He said that might have a lower processing fee. A discussion followed in regard to the cost per ton and the number of pulls.

Jo said there is a lot to think about, and she's very interested in the concept. Kermit said having information from towns of a similar size would help. Selectmen provided Mr. DeRoss with the several items of information that would be helpful.

**Fire Truck** – Lamoine Volunteer Fire Department Chief Engineer Maurice Oliver said he would suggest that the Selectmen approve of paying the remainder of the contract on the new fire truck to K&T Environmental. He said a supplemental bill is still being talked about. He said he had negotiated a trade for the 1976 Ford with K&T, and there have been some change orders due to some shortcomings on the chassis, including the wrong seat and the wheels not being painted. He said there were some unexpected costs in the manufacture of the new truck. He said the tally of those costs started at about \$7,000 and should be about \$3,000. He said the final total should be close to the \$90,000 budget, and the fire department should get out its checkbook to make up the difference.

Mr. Oliver said the Selectmen should have given an opportunity to seek a best and final offer on the chassis, and that could have saved some money through negotiation. He said when the specs on the 1976 Ford were sent out for bid, those should have been read carefully because there was an error in the tank size. Richard said he thought the specs were written by the Fire Department. Stu said he wrote them, but was never told the specifications were incorrect. A brief discussion followed about the process of

disposing of the old truck. Richard said a vehicle should not be disposed of outside the bid process. A very brief discussion followed, and Mr. Oliver abruptly left the meeting.

Jo noted the town has the new truck. She said there seems to be some need for communication along the way. Richard said he was tired of the personality that was displayed. Cynthia said it was pretty clear there were communications from the fire chief all along the process. Gary said the town wouldn't know what it would get for the truck until it goes out bid. Richard said the town was not aware of any kind of deal that Mr. Oliver might have reached through negotiations. Jo noted the truck was discussed multiple times with the Fire Chief. A brief discussion followed on the bidding process.

Jo asked if the new truck was OK. Stu said as far as he knows, it is. Gary noted the fire department responded to a call at his home the previous evening, and they were there promptly. Kermit said the new truck is fine. Richard said if Mr. Oliver is unhappy with the way the fire department interacts with the Board of Selectmen, he could consider joining a different fire department.

**Fire Radios** – Stu reported two more pagers have been given to the fire department by the County Emergency Management Agency, so the budget for new radios and pagers was lowered by \$1,000 to reflect that.

**Water Extraction Moratorium** – Jo said it sounds like the Conservation Commission and Planning Board met earlier this week. Planning Board Chair Gordon Donaldson said he was not there. Jo said she was baffled by the whole thing, and she's not sure why there is such an urgent concern by some members of the Conservation Commission. Mr. Donaldson said the Planning Board started to review ordinance changes last spring, and the goal was to look at the Building and Land Use Ordinance in regard to water protection in the quantity and quality of groundwater, along with looking at Home Occupations. He said the Planning Board talked with the Conservation Commission and the Planning Board decided last July that they were not going to include extreme language to attempt to prohibit commercial extraction. He said had that been included; there was a good chance that other good changes would be lost at town meeting. He said some of the Conservation Commissioners want a total ban on commercial water extraction. He said the Planning Board talked about a moratorium, but decided it was not needed as the Board was pursuing a more moderate approach.

Mr. Donaldson said new language is being proposed for the April 2010 town meeting which focuses on specific hazards to quality and quantity of groundwater. He said there is a public informational hearing set for January 19<sup>th</sup> and the Board can work on revising its latest draft to get something people can support. Jo said that makes sense. She said she wasn't sure why some people are feeling such urgency, and the only basis for that seem to be a lot of "what if" feeling. She said she is not opposed to a moratorium, if it's needed. She said her concern was that the Selectmen have a conversation with the Planning Board.

Mr. Donaldson said the Planning Board agendas always include a slot for the Conservation Commission, and it's rare that anyone shows up. Jo said she was just

trying to find if there was some reason for a moratorium. Kermit said he was glad that no extreme language is included in the draft amendments. Mr. Donaldson said a pamphlet written by scientist Willem Brutsaert concluded that the groundwater in Lamoine is unlikely to be of much interest to a large bottling operation. He said the town is not in an emergency situation. He said the language proposed would put the brakes on large scale operations, and requires a process be followed for greater than 122,000 gallons per month operations. He said that figure came from Prof. Brutsaert.

Cynthia said the other point the Conservation Commissioners made was that a moratorium would give a chance to educate people. She asked if there was any notion that the Conservation Commission would be part of the education process for the proposed ordinance changes. Mr. Donaldson said the Conservation Commission will likely be at the informational hearing. Jo said the Conservation Commissioners seemed a bit confused on the purpose of a moratorium. She said they were concerned that education happens, but it doesn't look like a moratorium is necessary. Mr. Donaldson said some on the Planning Board thought a moratorium might be a good idea, but they no longer do. He said the Board has learned over the years that if the whole kitchen sink is put into an ordinance change, any controversial measure will kill it. He said the Planning Board might propose a stricter change next year.

Stu said a good question was asked at the previous meeting about who would be doing education, and it could be confusing to figure out what the town's stand actually is. Jo said a lot of work has been done, and an unbiased resource is needed. A short discussion followed on the Conservation Commission's impact and history.

**School Issues** – Mr. Donaldson said he had a couple of concerns as a member of the Local School Advisory Committee. He said one had to do with the discussions on the RSU level about the principal at the Lamoine Consolidated School. He said there is a question of whether the role of the Local Advisory Committee is strong enough. Kermit said the committee is advisory to RSU 24 Representative Jon Morren. He said there has to be a 2-way communication line, and it's too early in the process to say if that is working. Mr. Donaldson said the next meeting is in January. He said a lot of important things need to be communicated to the RSU Board, and that raised the question of who determines what the position the elected representative to the RSU Board should be.

Jo said that discussion took place during ordinance development. She said the Selectmen might want to meet with the Local Advisory Committee. She said when the discussion took place it was clear that the RSU Representative would take the Local Advisory Committee position under advisement, but it was still up to the RSU Representative to come to his own conclusion. Mr. Donaldson said he was not questioning the RSU Representative's positions, but some citizens are raising questions.

Mr. Donaldson said there is some likelihood that the Legislature will provide a legal way to withdraw from an RSU in the next session, much like the way SAD law provides for withdrawal. He said a majority of Lamoine voters favored repeal of the consolidation laws last November. He said it would be smart to wait before deeding over the land to the RSU. Richard asked if the town withdrew from the RSU, would the property

automatically come back to the town. A short discussion followed. Jo asked if the Selectmen should invite the Local School Advisory Committee to meet with them. Stu said it's on the schedule for February 4<sup>th</sup> already.

**Variance Request** – Kermit said he'd favor not conveying the school lot by deed at this point. Cynthia asked if when the town voted to join the RSU, did it agree to convey the land. Stu said that was included in state law. A short discussion followed into what is held back.

Stu said the Board could let an appeal of the Planning Board decision die by waiting, or it could file an appeal and get it over with. Jo said it makes sense to wait and talk with the Local Advisory Committee. Kermit said he thought the town had the ability to opt out at some point. Cynthia said there is no provision in the law to pull out. Richard noted that many towns in the state opted not to join an RSU.

Kermit moved to take no action on the variance application. Gary 2<sup>nd</sup>. **Vote in favor was 5-0.** Richard asked who owns the lot at this point. A short discussion followed.

**Transfer Station Privy** – Jo moved to send out requests for proposals to construct the privy at the transfer station as designed. Richard 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Shellfishing Ordinance** – Stu and Richard reported nothing new has happened in the past two weeks.

**Business Development** – Stu reported there are no recent developments.

**Small Animal Clinic Contract** – Stu said he had a question about the duration of keeping strays, but the person who administers the contract was not in today. Jo moved to sign the contract. Gary 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Junkyard Application** – Richard said there was one blank line that needed to be removed. Jo said the application is a big improvement over the present one. With the removal of the aforementioned line, the application was deemed OK.

**Donation Review Ordinance Amendment** – Richard suggested two very minor changes to the ordinance. With those changes, the Board agreed it was OK to send to the town meeting in April.

**Lamoine Quarterly** – Stu said he's been working on the paper and is a bit ahead of schedule with 3-pages done thus far. He said he would get an electronic copy to the Board for editing prior to publishing.

**Budget Review** – Jo asked about adding a request for funding from the Historical Society to the warrant. She said she missed the submission deadline and realized it too late. She said the Budget Committee might have considered it but she did not turn in the paperwork. She said a motion cannot be made from the town meeting floor. She asked if the Selectmen could decide if they want to include an article. Stu said the Selectboard

can do what they please in regard to warrant construction. Cynthia said this might be opening Pandora's Box. Jo said if the request didn't fit with the ordinance, what is the use of having an ordinance.

The Selectmen reviewed the draft warrant and the budget as recommended by the Budget Committee.

**Holiday Schedule** – The holiday schedule for the transfer station and the town office as presented by Stu drew no objection.

**Safe Routes to School** – Jo said she requested this be on the agenda because there are grants available in 2010. She said this covers items like sidewalks and crosswalks. She said she's interested in seeing a sidewalk constructed from Shore Road to the School and from the School to Mill Road with a cross walk painted on Lamoine Beach Road at the Mill Road intersection. She said a grant could pay for that. She said she's on the advisory committee for the program, and is representing Lamoine for Healthy Acadia which helps put grant applications together. She said she wanted to bring this to the board's attention and would follow up in the new year. Kermit said Lamoine is a rural town. Jo said she's concerned about the mixture of little kids and dump trucks on Route 184.

Richard said the Board talked about sidewalks a couple of years ago. Jo said she didn't have time to put a grant application together. Richard said he asked at the time if the sidewalks were built, would the town have to maintain them, especially for winter snow removal. Kermit said the town would have some obligation most likely. A brief discussion followed. Cynthia said she would like to find out more information. Kermit said he would second that idea.

**Minutes of December 12, 2009** – Jo moved to approve the minutes as written. Gary 2<sup>nd</sup>. **Vote in favor was 4-0, Theall abstained.**

**Transfer Station fill-in** – Stu reported that transfer station manager Bill Fennelly needed to miss a few days, especially this weekend and suggested that Paul Davis fill in. Selectmen had no objection to Mr. Davis. Stu said Harvey Griffin had been filling in from time-to-time but had some time conflicts.

**Other** – Jo said it is her intention to try to attend an Assessors meeting some time. There was a brief discussion about the upcoming meeting.

Jo said she would like to see the street name sign for Raccoon Cove Road moved to the other side of the intersection with Partridge Cove Road. Stu said that would probably have to wait until spring.

**Next Meeting** – Jo said the next meeting is scheduled for January 7, 2010.

There being no further business, the meeting adjourned at 9:10 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen

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